

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

REPUBLIC FRANKLIN INSURANCE  
COMPANY,

Plaintiff,

v.

EBENSBURG INSURANCE  
AGENCY, KEYSTONE INSURERS  
GROUP, INC. and AMERICAN  
BUILDERS INSURANCE COMPANY,

Defendants.

No. 4:20-CV-01741

(Judge Brann)

**ORDER**

**AND NOW**, this 2<sup>nd</sup> day of June 2021, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Ebensburg's and Keystone's motions to dismiss (Doc. 16; Doc. 27) are **GRANTED**.
2. Republic's claims relating to its duty to defend are **DISMISSED** with prejudice. Republic's claims relating to its duty to indemnify are **DISMISSED** without prejudice. Republic may amend its complaint no later than 60 days after the question of liability in the underlying suit has been resolved.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
United States District Judge